

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

NATHANIEL SWINT,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 11-3335-CV-S-RED-H
JUAN D. CASTILLO, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
Respondent.)	

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition for a writ of habeas corpus be dismissed without prejudice.

Petitioner has filed *pro se* exceptions to the Report and Recommendation of the Magistrate, in which he continues to challenge his conviction and sentence.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petition should be dismissed on the grounds that it is not properly before this Court. As noted by the Magistrate Judge in the Report and Recommendation, any challenge petitioner seeks to bring regarding the charges against him and his conviction should be brought before the sentencing court, which petitioner identifies as the United States District Court for the Eastern District of

Pennsylvania. Accordingly, the Court finds that the conclusions of the Magistrate are correct and should be approved.

Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner's exceptions filed herein be, and they are hereby, considered and overruled. It is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Richard E. Dorr

RICHARD E. DORR

United States District Judge

Date: October 26, 2011